

William B. Curtis, Esq. (TX SBN 00783918)
(admitted pro hac vice)

CURTIS LAW GROUP

12225 Greenville Ave., Suite 750
Dallas, Texas 75243

Telephone: (214) 890-1000

Facsimile: (214) 890-1010

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

**IN RE: BARD IVC FILTER PRODUCTS
LIABILITY LITIGATION**

This document relates to:

CARGIN MADISON, III

Plaintiff,

v.

*C.R. BARD AND BARD PERIPHERAL
VASCULAR, INC.*

Defendants.

MDL No. 2:15-MD-02641-PHX-DGC

Civil Action No. 2:18-cv-00460-DGC

**PLAINTIFF'S REPONSE TO
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT FOR
FAILURE TO COMPLY WITH
AMENDED CASE MANAGEMENT NO. 5**

Plaintiff files this Response to the Motion to Dismiss [DOC 18833] filed by Defendants C.R. Bard, Inc and Bard Peripheral Vascular Inc.

1. On June 26, 2019, the Defendants filed their Motion to Dismiss against Plaintiff Cargin Madison, III for failure to provide a Plaintiff Profile Form.

2. Before the filing of Defendants' Motion to Dismiss, Counsel for Plaintiff and Counsel for Defendants agreed to engage in settlement talks with all of Curtis Law Group's clients filed in this MDL, which includes Plaintiff Cargin Madison, III. Pursuant to the Case Management Order no. 42, and agreement between counsel, Plaintiff Cargin Madison, III was placed in Track 2.

3. Plaintiff's counsel has used due diligence to contact Mr. Cargin, but have yet to hear back. Counsel's attempts consist of letters, phone calls, and text messages to the client.

1 4. Accordingly, Plaintiff's counsel needs more time to locate this Plaintiff and inform him of
2 the ongoing settlement talks. Plaintiff's counsel humbly asks the Court for additional time to locate
3 Mr. Madison, produce the PPF and allow him the opportunity to engage in settlement.

4 WHEREFORE, Plaintiff Cargin Madison, III respectfully requests that the Court deny the
5 Defendants' Motion to Dismiss [doc18833] as the parties had previously agreed (prior to the filing
6 of Defendants' motion) to engage in settlement talks (CMO. 42 "Track 2"), and for all other just
7 and appropriate relief.
8

9 FURTHER Plaintiff prays that the Court will grant additional time for Plaintiff to be
10 located, submit his PPF, and allow him the opportunity to participate in settlement talks and for all
11 other just and appropriate relief.
12

13
14 Dated: July 3, 2019

15 Respectfully submitted,

16 **CURTIS LAW GROUP**

17
18 /s/ William B. Curtis
19 WILLIAM B. CURTIS
20 Texas State Bar No. 00783918
21 12225 Greenville Avenue, Suite 750
22 Dallas, TX 75243
23 Telephone (214) 890-1000
24 Facsimile (214) 890-1010
25 Email: bcurtis@curtis-lawgroup.com

26 **ATTORNEY FOR PLAINTIFF**
27
28

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2019, a copy of the foregoing Plaintiffs' Response to Defendants Motion to Dismiss was filed electronically, and notice of the filing of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/ William B. Curtis
William Curtis